


Canons of Construction

Volume 36, Number 8 The Law Students' Newspaper Mar 7, 2005



Who is the Greatest Alumnus?

Turn to pages 4 to 9 to find out who made the shortlist.

Islamic Law: Critical Perspectives

Randeep Purewall (2L)

The Constitution may be the Supreme Law of the Land...but not if Ontario's clerics have their way...

Despite the fact that most 2L students were attending the Career-Days Preparation Seminar in Room 231, the Asian Law Association (A.L.A.) was able to muster a healthy turnout for its presentation of "Islamic Law: Critical Perspectives," by Dr. Qureshi (Department of Political Science) on February 3, 2005.

Dr. Qureshi's scholarly and critical insights on Islamic law were a refreshing change from the perspectives of religious scholars, iconoclasts and those gloriously unbiased and multi-dimensional "perspectives" of CNN or Fox TV News.

For one, argues Dr. Qureshi, complete "Islamization" of law (as per the Taliban) has no historical precedent. Islamic law historically governed such issues as family matters (marriage, divorce, adoption, custody, inheritance) and dietary norms, not matters of state policy.

Indeed, there was no "state" to speak of in seventh century Arabia.

If not determining state policy, then Islamic *personal* law has been implemented in Ontario via that province's *Arbitration Act* which allows solely for the settlement of family disputes as per the traditions of particular faith and ethnic communities.

However, the pith and substance of Islamic personal law in Ontario does not differ radically from the laws of seventh century Arabia.

For instance, the testimony of a man is worth twice that of a woman; a man may divorce his wife unilaterally and without reason (whereas women must present evidence of good cause before a cleric); daughters are entitled to a lesser share of inheritance than are sons.

Islam was the first religion to accord women legal rights and emphasizes the need to interpret law *de novo* according to changing social circumstances. Nevertheless self-appointed clerics

and patriarchs are hesitant to accord women legal rights on par with men. Better to hark back to medieval Arabia and apply laws frozen in time.

So much for the "living tree" approach.

Perhaps the most serious implications of Islamic personal law is that many Muslim women from conservative families will not assert themselves against the decisions of their fathers, husbands and sons in matters of arbitration. Section 15 of the *Charter of Rights and Freedoms* may provide sufficient safeguards and guarantees for all individuals; yet what help will it now offer to those Muslim women who fail to assert their rights for full legal equality for fear of community censure?

Lastly, if one is dissatisfied with the results of arbitration, one can always have recourse to the civil courts. This should be ample proof that it is the Canadian legal system and not antiquated religious law that provides for the full guarantee of equality rights.

Canons FODDER



Walter Krawec (3L)

A Canadian tradition or an anachronistic money pit? Judging by recent newspaper headlines, the national press seems to think that the Governor-General's office, and Adrienne Clarkson in particular, falls into the latter category.

Canada's pundits have never been especially kind to Clarkson. After all, she's long been known as a flashy and conspicuous woman in a country that tends to prefer its public figures bland and uncontroversial. A large contingent of news columnists love to spice up a slow news day by taking potshots at Clarkson for doing nothing more than what her job description asks of her.

You can't quantify the value of a *de facto* head of state like you can someone who works in a store, a factory or a law office. A Governor-General doesn't produce widgets or legal briefs. However, the Governor-General has an important symbolic role, not to mention a practical one as well. Sure, Clarkson travels abroad to meet dignitaries and attends swish soirées, but for every trip to Paris there are many more Scout troop visits at Rideau Hall, or pancake breakfast events in school gyms. She participated in 900 events in 2003. The point is, Clarkson attends all of these events with a smile on her

Clarkson, Student Debts

face, whether they're glamorous or not.

The reality of diplomacy is that a head of state is a basic necessity. If you don't buy the traditional view of heads of state as the embodiment of "the spirit of a nation," as de Gaulle put it, then at the very least one is needed to receive VIPs and honoured guests, and to promote a good public image for Canada abroad. At a bare minimum, it frees up P. Martin & Co. to attend to the matter of running the country. Yes, I think the Governor-General made a mistake by missing Lois Hole's memorial service. But by and large, Clarkson has done her part, and she has proven to be an able representative.

Perhaps someday the pretense of it all will be stripped away and all of these trappings of a bygone era will be replaced with text messages and MSN ("yr majesty: wlcmm 2 canada!!! omg lol!"). When that day comes, we'll all be the poorer for it. As long as the human element remains valued, the Governor-General should continue to play an important role in recognizing Canadian accomplishments and in promoting Canada around the world.

Student debtloads are increasing at a dizzying pace, according to Statistics Canada. Last Wednesday, StatsCan noted that between 1993-2001, the gap in university participation between students from high income versus low and modest income families didn't get any wider. This is remarkable considering average undergraduate tuition rose 77% during that time.

What has changed is how much debt the average student is packing. Average university undergrad debt increased by – wait for it – 76% during the 1990s. In 2000, the average

undergraduate with debt left school owing \$20,000.

It's reassuring that lower-income students aren't shying away from post-secondary education because of rising tuition despite the fact that debts are growing. What is troubling, however, is the fact that not much of the undergraduate dough seems to be directed at improving undergrad education. Those construction projects around campus certainly aren't building more lecture halls and labs for arts and science students.

Reading this, you might ask: why should we care? We've got our undergraduate degrees already. Well, as we enter year three of the differential tuition era in this faculty, it will be interesting to see whether increased tuition fees have a more tangible effect on the quality of education here than in the rest of the university. Paying more is painful, but it hurts less when you know that you're getting something out of the deal.

Want to get involved with
Canons?
Come out to our Annual
General Meeting:
Wed, Mar. 9, 2005
Decore Centre
(Board Room)
Time: noon

Canons of Construction is the official Law Student Newspaper of the University of Alberta Law Faculty. *Canons'* principal objectives are to provide equitable and judicious coverage of issues and events germane to Law Students at the University of Alberta and to provide an open forum for the free exchange and expression of thought, opinions and ideas.

All law students and interested parties in the legal community are encouraged to contribute submissions, provided that contributions are accompanied by name, student number and telephone number. No articles are published anonymously. *Canons* reserves the right to edit submissions for content, length, and legality. *Canons* will not publish materials deemed by the board to be racist, sexist, homophobic or libelous. Ideas and opinions expressed in *Canons* do not necessarily reflect the views of the *Canons* board.

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Volume 36, Number 8 The Law Students' Newspaper Mar 7, 2005

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In the SPOTLIGHT

Tom Cantine (3L)

Section 3 of the *Charter* guarantees the right to vote to every Canadian citizen. Yet the right to vote is denied to every Canadian citizen born in the last 18 years. Recognizing that excluding 16 and 17 year olds from the franchise seems unreasonable, Liberal MP Mark Holland has introduced a private member's bill to lower the voting age to 16. This is not enough. There is neither need nor justification for any age limit whatsoever.

True, virtually every democracy in the world restricts voting to adults, and always has. Since this is the way things have always been done, we rarely stop to consider why it is so. When we do, the first justification that most people think of is a reasonable one: children are simply not equipped to make such important choices. They

are still growing into (one hopes) mature and rational adults; allowing them a say in government when they lack both knowledge and experience would be foolish.

The problem with this justification, however, is that it is completely inconsistent with democratic principles. Democracy rests on the simple premise of counting each person's vote; no vote should be excluded on the basis that it has been or is likely to be cast unwisely. The right to vote must include the right to vote in a way someone else (perhaps even everyone else) considers foolish or even dangerous. The majority cannot, therefore, attempt to impose any standards of rationality on citizens as a condition to allowing them to vote.

But surely babies and toddlers are simply unable to vote, it might be protested. Is it not therefore absurd to extend the franchise to them?

I am not arguing that we should expect

babies and toddlers to actually cast ballots. It is, of course, true that most or even all children under the age of 5 are in practice unable to vote, and even if we recognized their right to vote, they wouldn't exercise it. That isn't the point. Whether or not the majority of children actually *can* vote is irrelevant to the question of their right to do so. The vast majority of people are unable to write ancient Sumerian, yet no one would argue that our s. 2(b) freedom of expression rights would not be violated if Parliament were to ban the use of ancient Sumerian. Charter rights are not merely the right to do what most other people are able and willing to do. To be meaningful, they must include the right to do things which others might be inclined to stop you from doing.

This is especially true of the right to vote, which cannot simply be the right to agree with the majority. The will of the majority, after all,

...Continued on page 9

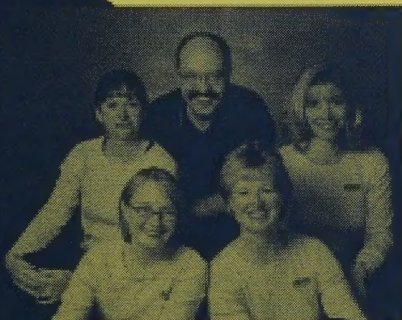
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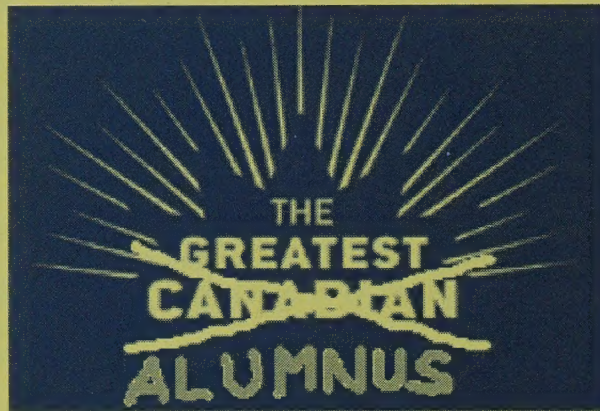
Clash of the Titans:

For ninety-three years, the Faculty of Law has been sending freshly-minted graduates off into the world, LL.B.s in hand. Some alumni have gone on to enjoy tremendous success and have left their mark in the world, while disbarment and shame (and in some cases, jail time) became the distinguishing characteristic for some less fortunate souls.

In this special feature, *Canons of Construction* takes a look at the most illustrious alumni produced by this Faculty since 1912. We looked at graduates who made an impact in different areas, from lawyers and judges to businesspeople, politicians and community builders. The list of worthy candidates was long at the outset, but after much argument, rage and a pile of smashed dishes, the list was narrowed down to the ten greatest graduates who represent

the *crème de la crème*.

Who didn't make the cut? Notable names who didn't make the shortlist include theatre



impresario and Edmonton Eskimos co-founder Joe Shctor, Supreme Court Justice and

Alberta Law Review founding editor William Stevenson, foreign policy expert Ivan Head, and legendary wit Michael Funduk. Other familiar names absent from the final list include Peter Costigan, Frank MacInnis, Laurence Decore and Jean Cote. The fact that they weren't included gives an indication of how hard it was to select the final group. Special thanks to Professor John Law and Catherine Miller for their assistance in this endeavour.

The biographies on these pages were written by individuals making the case for their pick. The greatest graduate will be selected by the LL.M. students, and the winner will be revealed in our next issue. On with the showdown!

Marjorie Bowker, Class of 1939

Vista Pourbahrami (1L)



History forgets many in its written accounts of 'greatness', including those who are marginalized and many people who lacked a strong voice. Marjorie Bowker was not a victim of her marginalization, nor did she allow her voice to remain unheard. Born in 1912, she was a young adult in a time when women, even if lucky enough to be afforded an opportunity to enter professions, were expected to abandon careers and take care of a husband and children. Marjorie Bowker married, raised 3 children and sustained a professional career that led to her being honoured with the Order of Canada.

Marjorie Bowker is the greatest U of A law graduate because of her dedication, advocacy, groundbreaking initiatives and strength.

Imagine yourself as a woman in 1939 who has just graduated from law school. Your husband has joined the WWII forces and you step in to take over his law practice. That is dedication. Now consider visiting every prison in Alberta in order to assess the conditions incarcerated individuals are subjected to, in order to create an eye-opening report. An advocate for the socially marginalized. How about working with government committees studying adoption in order to change child welfare legislation, serving as a judge for 17 years and creating the family court's conciliation service, an initiative that was soon mimicked across Canada and in Australia. Does this sound like the resume of one person's achievement? Would you believe it to be a biography of a woman of the thirties, forties and fifties? Marjorie Bowker is the greatest U of A grad.

Now, what's this I hear from the peanut gallery?

"Whatever, come on admit that the only reason she even got her foot into the door was her husband. The only reason anyone knows her name is because she was the Dean's wife!" -Dim Whyttid

Now Dim, when her husband returned

from war she could have done what many Canadian women at that time did, get out of the workforce and devote all energy to domestic engineering. Instead, she kept her interest and career in law alive. Her expertise allowed her to carry on both her and her husband's practice during the war, showing she was, at the very least, equally capable as her husband.

"Well, if we are to give this award to the first Alberta female juvenile and family court judge, what about the first Canadian female judge or the first female Supreme Court justice or the first female Chief Justice?" [Eekwal Auportuniest]

I understand your position Eekwal, but Marjorie's 17 years as a judge are not the only reason to bestow this honour upon her. Her volunteering efforts for 20 years before appointment to the bench and pioneering efforts with many associations are equal considerations.

"Back off Missy, Clarence Campbell is hands-down the winner of this race" [Hawk E. Fann]

NHL President versus revolutionary judge, advocate and Order of Canada winner? Come on, Hawk, I would hate to make you look absurd.

She was a dedicated advocate for women, prisoners, children and all Canadians. Marjorie Bowker is an inspiration to past, present and future law students.

Who is the Greatest Alumnus?

Clarence S. Campbell, Class of 1926

Cam Bowman (2L)

Ok. First of all, tell me this. How many other candidates could say they:

- were a Rhodes Scholar at Oxford
- worked as a lacrosse referee in Europe, and a hockey referee in both Europe and the NHL
- served as a lieutenant colonel in WWII
- served as a prosecution lawyer for the Canadian War Crimes Commission at the Nuremberg trials
- were awarded the Order of the British Empire and made King's Counsel
- served as commissioner of the NHL from 1946 – 1977 where he:
 - started the tradition of the All-Star Game
 - started the NHL pension for players
 - tripled the size of the league from 6 to 18 teams
- met and defeated a challenge from a rival hockey league, the WHA
- was inducted into the NHL Hall of Fame in 1966

- had a conference of the NHL named after him, and have one of the most cherished trophies in the NHL named after him (the Clarence S. Campbell Bowl – currently owned by the Calgary Flames, in case anyone forgot)

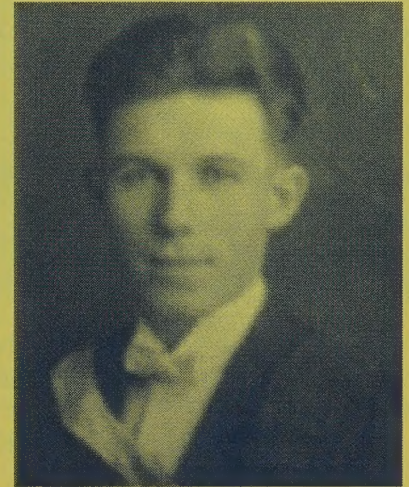
- caused one of the most memorable events in hockey history, the Richard Riot of 1955

After all of this, could you really consider anyone else? This guy built the NHL into a major sports league (current events notwithstanding) and he was also one tough SOB. In 1955 he suspended Maurice "The Rocket" Richard from the remainder of the NHL regular season and the playoffs, costing him the scoring title (and arguably costing the Montreal Canadiens the Stanley Cup). Fans in Montreal were furious, but Campbell insisted on attending the hockey game at the Montreal Forum on March 16, 1955 where a fan set off a gas bomb, leading to a riot and millions of dollars in damage.

So let's see. He fought in WWII, he

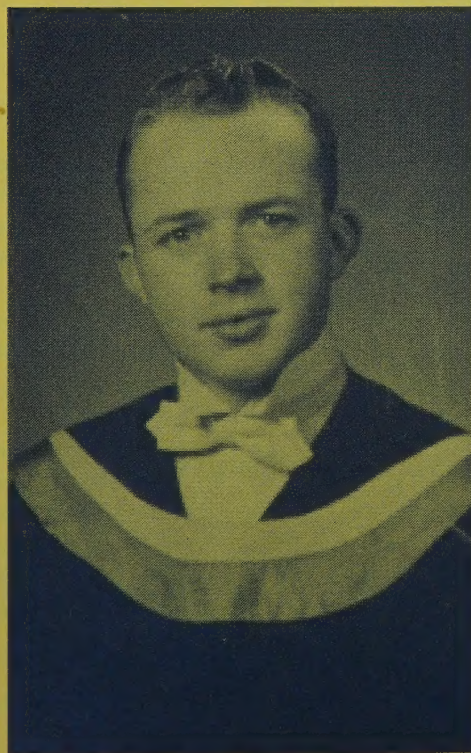
prosecuted war criminals, he stood up to threats, he was a Rhodes Scholar, he was a KC, and he was the longest serving commissioner of the NHL. If old Clarence knew you were even thinking of voting for anyone else, he would first logically explain why that idea is ludicrous, then he would cross examine you for 3 hours and make you cry on the stand, then he would beat the tar out of you.

Vote Clarence!



Jim Coutts, Class of 1962

Matthew Mitschke (1L)



The most influential backroom operative in the Trudeau government a native Albertan? Some might think it impossible, but that is only because they don't know of Jim Coutts. A native of Nanton, Alberta, Coutts rose to the top of the Liberal Party of Canada and ended up being one of the most influential people in the Trudeau government that you may have never heard of.

Mr. Coutts received his education at the U of A, acquiring his B.A. in 1960, and then his LL.B. in 1961. While attending the U of A, Mr. Coutts was quite active in the Law Club, Student Council and model parliament. He went on to become Lester Pearson's appointments secretary from 1963-1966. He left that position to pursue his MBA at Harvard after which he returned to the private sector.

In 1973, Mr. Coutts was approached to run the Liberal campaign for Mr. Trudeau. He was the national campaign co-ordinator, traveling with Pierre Trudeau across the country in a campaign that regained the Liberal majority

government. After the campaign, Mr. Coutts became the Principal Secretary to the Prime Minister. He held the position as Principal Secretary to Trudeau until 1981, when he resigned to run as a candidate in a by-election. As Principal Secretary, Mr. Coutts was extremely influential in virtually every decision made by the Liberal government during this time period. He also was a key contributor after Trudeau was defeated by Joe Clark in 1979. Coutts developed the political strategy that led to the comeback of Trudeau in 1980. Without his strong leadership, it is doubtful whether Trudeau would have ever become Prime Minister again, possibly leaving Canada in a position without a patriated Constitution or a *Charter of Rights and Freedoms*.

Jim Coutts went on to form Canadian Investment Capital Ltd. after he stepped down as Principal Secretary, a company that he is still the CEO of today. He is quite active with many charities, including having served for nearly twenty years as a member of the Board for the Hospital for Sick Children in Toronto.

Clash of the Titans:

Eldon Foote, Class of 1948

Allison Eng (1L)

The LL.B. was just the icing between the layers of his Black Forest cake. From the small town of Hanna to tiny Norfolk Island, Eldon Foote stuffed the years in between with LIFE in all its glory.

His vibrancy was visible throughout his entire life, beginning with his passion for track and field, which precipitated into becoming a letterman, winning a silver medal for the 100 meter sprint in the 65-69 age category at the 1991 Australian Masters, funding a track and field undergraduate scholarship, and ultimately receiving a field named in his honour (Foote Field).

His academic pursuits in law began at age 21 and ended as class valedictorian in '48. After remaining with the firm that he articulated with for nineteen years, being appointed to the Queen's Council, and having his name added to the firm's masthead, he took a leave of absence to Australia in 1967 to entertain his business aspirations.

So successful was his pursuit in Australia

selling household consumables that he never returned to law; a new chapter began, which led him to Asia and years of good fortune. The HomCare business still flourishes today.

As for his family, Mr. Foote found time to raise 8 children. Astonishing.

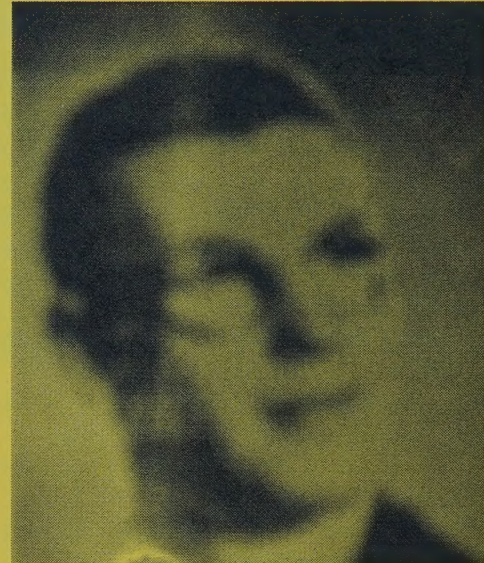
If you're still not convinced that Eldon Foote is the greatest alumnus, you can at least leave with a few lessons from his life:

1. Consider taking a leave of absence after you've busted your butt for nineteen years in the practise (or sooner, if you don't reasonably foresee your name being added to the firm's masthead).

2. Visit Norfolk Island. It's close to Australia.

3. Give back (to the Faculty of Law, in particular). There's a classroom/wall/chair/book return box waiting to be sponsored by you. Better yet, make it a scholarship/bursary!

If that's not insight, I don't know what is. Three cheers to a man who had it all and gave a lot of it back!



Catherine A. Fraser, Class of 1970

Heather Grab (1L)



A few weeks ago, I had the distinct pleasure of seeing the Honourable Catherine Fraser, the Chief Justice of Alberta, in action as she presided over a Court of Appeal case. Not only did she have a lot to say – both asking questions and responding to arguments – but everything she said was logical and extraordinarily argued. Needless to say, I was in awe as I watched the proceedings. Now, 25 years after her graduation, it is only fitting that she be named our Greatest Alumnus.

Hon. Fraser, a graduate of this law school in 1970, has distinguished herself among our alumni as Alberta's Chief Justice since 1992. Prior to this post, she was a justice of the Court of Appeal as well as the Court of Queen's Bench in Alberta. It is important to note that, in

comparison to other Greatest Alumnus nominees, Hon. Fraser holds two concurrent chief justice positions – here and for the Court of Appeal of the Northwest Territories. That's a lot of geography!

The first female chief justice in Canada, Hon. Fraser has been recognized with the Distinguished Alumni Award and the YWCA Tribute to Women Award among others.

Advocating for Hon. Fraser to be named our Greatest Alumnus is easy simply because her credentials are impeccable and she is a great role model for us lawyers-in-training. Judging from my experience seeing her in action, I only pray that I am on the right side of the appeal should I face her in court one day.

Who is the Greatest Alumnus?

Hugh Lawford, Class of 1955

James Elford (1L)

Bow before Hugh Lawford puny students! Bask in the glow of his professional success and suckle at the proverbial teat of his wisdom!

One part law professor and one part co-founder of Quicklaw, Hugh Lawford has formed like a Voltron of success into one of our fair school's greatest graduates.

This professional Janus graduated from the University of Alberta back in 1955, and quickly left for Oxford as a Rhodes Scholar. Returning with a degree in civil law he finally joined the bar in 1958, only to beat a hasty retreat east. This time it was to Queen's university where he was to settle down as faculty for the next 41 years.

Life was quiet and filled with the occasional work from the federal government, but providence and chance would open a can of opportunity for him in the late 60s. Professor Lawford was in charge of a project involving researching treaties that led, in a series of happenstances that were distinctly not hilarious in a sitcom sort of way, to the university creating and then abandoning a corporation dedicated to exploring computing and law.

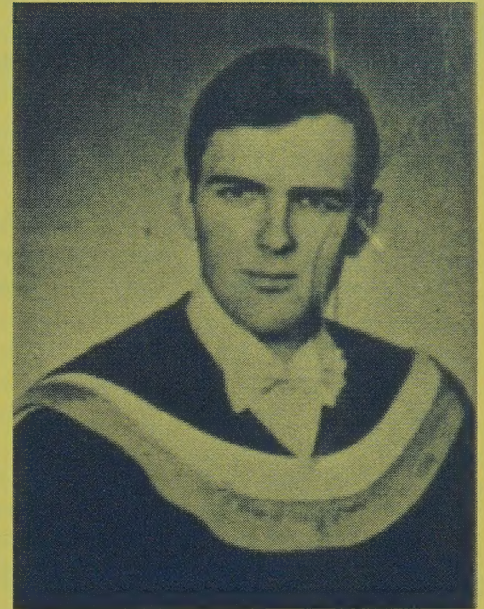
Professor Lawford, like all great people, stood at the crest of the future at that moment and asked himself "How the hell can I make money off this?" So he bought the company with a colleague and...well...I think we all know where the story goes from there.

I'll give you a hint: it involves Quicklaw's rise to prominence as a research tool in the legal profession.

The great thing about Professor Lawford is that, unlike Mr. Burns or an old timey robber baron, he got rich while actually making people's lives better and not having union leaders killed by hired goons. He's certainly made lawyers' lives easier by helping the profession exploit the potential of the internet with the same zeal that pornographers have approached it with.

In fact, he's got the best of both worlds; the laid back 'fat life' of a law professor, with all of its attendant benefits and glories, and the wild ride of being a Howard Hughes-esque entrepreneur...well, except without all the movie starlets or years of hilarious insanity.

Sadly, he has never been able to win the



award for most career-appropriate last name, having been beaten out by both Professor John Law and a certain talking euphemism for a drug abuse named H.R. Puffinstuff.

Peter Lougheed, Class of 1952

Kyle Kawanami (2L)

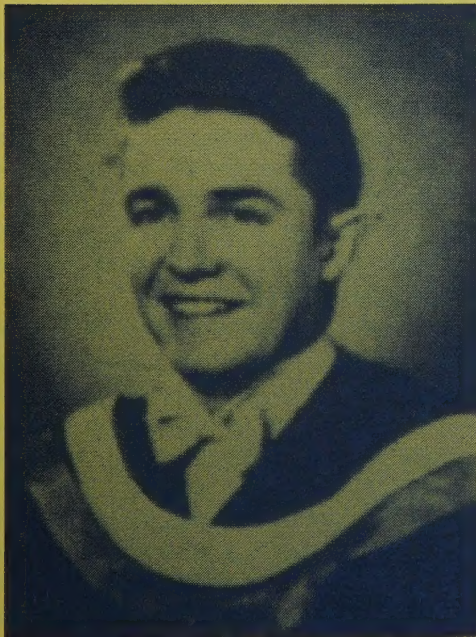
U of A Law has clearly had a number of distinguished alumni. There have been judges, business people, pillars of the community, and others. However, how many of them have run a province? Just one: E. Peter Lougheed (it always seems to sound more impressive when you can stick an initial you never knew they had in front of the name of a prominent individual). In light of that, as well as for other reasons, Peter Lougheed should be considered as the Greatest Graduate of U of A Law.

The most obvious area where we can see the impact of Peter Lougheed is in the political arena. Peter Lougheed was the first ever Students' Union President at Central High School in Calgary, and also served as President of the U of A Students' Union in 1951-52. Of course, Peter Lougheed also served as Premier of Alberta from 1971 until 1985.

Much like other prominent Albertans (such

as his immediate successor and the current Lieutenant-Governor) Peter Lougheed was also a member of the Edmonton Eskimos football club. After his studies at U of A Law, he went on to obtain an MBA from Harvard University in 1954. In addition to serving on the Board of Directors of a number of organizations, Peter Lougheed is presently a partner at Bennett Jones in Calgary.

Peter Lougheed played an important role in the history of the province and the nation. The Alberta we see today is very much a product of his legacy as premier. On the national stage, he was a major player in the struggle of how the Constitution would be repatriated and what that repatriated Constitution would look like. When considering who the Greatest Alumnus of U of A Law is, this is the sort of legacy that cannot be ignored. While there are a number of worthy choices, there is only one best choice: Peter Lougheed.



Clash of the Titans:

Ronald Martland, Class of 1928

Walter Krawec (3L)

On February 10, 1982, Ronald Martland retired from the Supreme Court of Canada after twenty four years at the bench. He was the fourth-longest serving justice in history and he sat on over 1,700 cases. *1,700 cases.* In case your memory is a bit hazy, I can assure you that's more than you read in first-year torts.

Ronald Martland's career was virtually a bridge into the modern era of Canadian law, ending mere weeks before the adoption of the *Charter*. Martland came to Edmonton from Liverpool and finished at the top of his class in 1928, a performance good enough to get him a Rhodes scholarship. During his time at Oxford, Martland found time to become a member of the Oxford Blues hockey team en route to another first-in-class performance. No, sir, Clarence Campbell wasn't the only distinguished grad who knew his way around a rink, not by a long shot.

His appointment to the Supreme Court of Canada came in 1958, and he gained a reputation as a buttoned-down, no-nonsense interpreter

of the law, ever faithful to the principle of *stare decisis*. With his work on major decisions like *Roncarelli v. Duplessis* and the *Patriation Reference*, any K-Tel compilation of the SCC's Greatest Hits would have given Ronald Martland top billing, guaranteed.

Martland's years on the bench weren't all work and no play. As the late Wilbur Bowker put it, "One could never discern from his judgments that Ronald Martland has a great sense of humour, is a skilled raconteur and enjoys a sing-song around the piano." Athlete, scholar, bon vivant – is there anything this man couldn't do?

His work didn't go unrecognized, either. Ronald Martland racked up awards and honours the way some of us pile up student debt and drunk-and-disorderly citations. He was named to the Order of Alberta, Order of Canada, and received honorary degrees by the bushel.

A few years ago, the Faculty even unveiled a bust of Martland that rests in the fourth floor lobby. That bust (the only one up there, I might add) displayed remarkable foresight, since

Martland, who left us in 1997, is without doubt the most eminent graduate ever to come out of this institution.

The next time you find yourself on the fourth floor, take a moment and pause by Martland's bust and whisper in his ear (look around you first to make sure no one's watching – you don't want anyone to think you're crazy, do you?). A simple "Thank you, Ronald" would be the least you could do for this true legal titan.



Beverley McLachlin, Class of 1968

My-Le Lai (3L)

Born in Pincher Creek on September 7, 1943, Beverley Gietz has made an indelible mark not only on that quaint town, but also on the Canadian legal landscape. You probably know her better as Chief Justice McLachlin and she is



undoubtedly the greatest U of A alumnus.

Her meteoric rise from accomplished law student to practitioner to professor to Chief Justice of the Supreme Court of Canada (SCC) seems the more miraculous given the legal climate of the time. When she began her articles in 1969, there were few women judges and now there are many. There were only six women in her graduating class of sixty-three and now females make up 50% or more of the in-coming class of law schools across Canada.

Being appointed Chief Justice on January 7, 2000 (coincidentally, 71 years after the SCC ruled that women were not "persons") at the tender age of 56 is an accomplishment in itself, never-mind the fact that she was the first female Chief Justice of the SCC *ever*. Along her climb up the top of the judiciary, she has experienced other "firsts": first woman appointed to the BC Court of Appeal in 1985, first female Chief Justice of the BC Supreme Court in 1988 and being only one of three female judges on the SCC at that time. If she remains on the SCC

until her mandatory retirement in 2018, she would be the longest serving Chief Justice *ever*. No small feat for a small town girl.

She has more than fifteen honorary degrees and is the author of four books and innumerable articles. She has been credited for providing balance to a once fractious SCC contingent and giving a more user-friendly face to the SCC, especially post-*Charter*. She has literally cut the fat off what were once lengthy Supreme Court judgments with her ability to write concise, clear and organized decisions.

Being Chief Justice means being judge, administrator, chair of the Canadian Judicial Council and the public representative for the SCC. It's a tough job and one that requires an equally tough-minded individual. Yet, there is no pomp and ceremony in her leadership style: she is mindful, methodical and diplomatic. Her accomplishments seem nothing short of astounding, yet she makes it look effortless. There can be no doubt that Chief Justice McLachlin is the greatest alumnus *ever*.

Who is the Greatest Alumnus?

Tevie H. Miller, Class of 1950

Tracy McMahon (3L)

Tevie H. Miller (1928 – 1996) was born and raised in Edmonton. He graduated from the U of A with a combined B.A. (1949) and LL.B. (1950). During his years in practice, he was a member of both the Alberta Bar and the Northwest Territories Bar.

Tevie Miller contributed to our jurisprudence as a judge at three levels of court in Alberta: District Court of Alberta, Trial Division of the Supreme Court, and Court of Queen's Bench before being appointed Associate Chief Justice of the Court of Queen's Bench in 1984.



He contributed to the community as Chancellor of the U of A, President of the United Way, Chairman of the City of Edmonton Community Foundation, President of the Edmonton Symphony Society, member of the Board of Directors of the Edmonton Eskimo Football Club, member of the Board of Governors of the Universiade '83, vice-president of the Board of the Eleventh Commonwealth Games, active member of the Edmonton Jewish community, and sessional lecturer in the Faculty of Law.

Tevie H. Miller was a man described as "unfailingly courteous to counsel appearing before him and well-liked by his colleagues on

the Court." He is also described as a man to whom family was very important and who loved spending time with his wife, children, and grandchildren.

The hallmarks of greatness are all here: contributions in his field of expertise, philanthropy, community involvement, generosity to the community he came from, and of course, family.

However, if you're still not convinced that he is the greatest alumnus, consider his legacy that lives on in the community and right here in the Law Centre. Professors anticipate reward in the form of the Tevie H. Miller Teaching Excellence Award. And most important, fellow students, is that Techniques in Negotiation, a course coveted most dearly by tired third years biding their time, is a course that Tevie Miller helped develop and loved to teach.

Taking Democracy...

...Continued from page 3

emerges only when the individual wills of every minority-of-one are added up. The right to vote necessarily must be the right to vote differently from one's peers, even to vote uniquely.

So it may well be that all children under a certain age happen not to vote, whether due to immaturity, apathy, or conscientious decision to abstain. Yet suppose just one mutant freak six-month-old baby appears at the polling station and is able to demonstrate both the citizenship and residency requirements, and clearly communicate its wishes to the deputy returning officer: "Please carry me to the polling booth and mark my ballot for Candidate X, as I cannot yet control my fingers with sufficient dexterity." Would any of the arguments for preventing infants from voting apply to *this* infant?

My point here is that the procedural rules intended to protect the integrity of the democratic process, such as secret ballots and the like, are more than adequate to ensure that in practice voters have a certain level of competence and maturity. There is simply no need to impose arbitrary age limits of any kind on the right to vote. The voting age should not be lowered, but abolished.

Aboriginal Law SPEAKERS' WEEK

Presented by the Aboriginal Law Students' Association

Monday March 7 Thomas Berger, Q.C. - Berger & Company, Vancouver, B.C.

"Aboriginal Rights for a New Century"

Thomas Berger, lawyer, judge and politician, headed the Berger Commission in the mid-1970s which examined the effects of building a pipeline through the Mackenzie Valley in the Northwest Territories on land occupied by Aboriginals. In the 1980s, he argued that Aboriginal rights should be included in the *Charter of Rights and Freedoms*. Berger was appointed to the Supreme Court of British Columbia in 1971 and served on the bench for more than a decade.

Tuesday March 8 Professor Val Napoleon - University of Alberta Faculty of Law

"Living Together: Gitksan Legal Reasoning As A Foundation For Consent"

Wednesday March 9 Professor Kent McNeil - Osgoode Hall Law School, York University

"Judicial Interpretations of the Inherent Right

of Aboriginal Self-Government: Searching for Coherence". Sponsored by the Centre for Constitutional Studies.

Thursday March 10 Professor Bruce Johnsen - George Mason School of Law, George Mason University, Fairfax, Virginia

"A Culturally Correct Proposal to Privatize the British Columbia Salmon Fishery"

Professor Johnsen will talk about the relationship between law and economics and how they relate to Aboriginal groups, their sustainability and economic development.

Friday March 11 Jean Teillet - Pape Salter Teillet, Vancouver, B.C.

"The Honour of the Crown: A New Constitutional Duty to Protect Aboriginal Rights"

Jean Teillet, a direct descendent of Louis Riel and an expert on Metis history and legal rights, was lead counsel for the *Powley* case involving Metis Aboriginal rights in 1994.

Carbolic Smoke Ball!

Thursday, February 17 - Crowne Plaza





Law Girl: Lindy Shearer



Hometown: Vulcan, Alberta

Sign: Scorpio

Undergrad Studies: Business

If you were stranded on an island which CD would you want with you? My Cartoon Magic-Best of Disney tunes.

The one TV show you wouldn't even miss during final exams? *The OC*, hands down.

The one movie you would pay twice to see at the expensive theatre? *Top Gun*.

The place you'll most likely travel to when finished school? China, or anywhere, really.

If you could chill anywhere, would you pick the beach or the mountains? Mountains.

Favorite thing to do when *not* studying? Nap.

If money was no object what would be the first thing you would buy? My own yacht to sail the world.

Pub or Martini Bar? As long as I can get my Amaretto I'm a happy girl.

Law Guy: Matt Sheridan



Hometown: Abbotsford, BC

Sign: Baby on Board (for some reason my baby smells like fish)

Undergrad Studies: Anthropology

If you were stranded on an island which CD would you want with you? The first 8 tracks of the Best of Herb Albert and the Tijuana Brass. I can get anything accomplished listening to that man's upbeat genius.

What's the one book you would take with you on a flight around the world? *The Little Engine that Could* - it takes me forever to get through without crying

The one movie you would pay twice to see at the expensive theatre? *Krush Groove*. Can you beat a movie with Run DMC and the Fat Boys? Loki (Matt Damon) was right, time is gonna tell

on that one.

The place you'll most likely travel to when finished school? Wherever *Labyrinth* was set, David Bowie rules and I wanna hang with some muppets.

If you could chill anywhere, would you pick the beach or the mountains? I'm geographically uninclined. Why else would I be in Alberta?

If money was no object what would be the first thing you would buy? Love, the Beatles were wrong!

Pub or Martini Bar? I want my cake and I wanna eat it too, gimme both.

Favorite thing to do when NOT studying? Shearing sheep to make those little coats/sweaters and booties for dogs. Aren't they cute?

Law Girl/Law Guy by Marnie Yohemas (2L)

LSA UPDATE

Decision 2005: LSA Elections are Coming



VP
SOCIAL

Marnie Yohemas (2L)

I don't know about all of you, but coming back to what I like to call "March Madness" after a relaxing (and in my case, hurtful, reading break) is a bit hard to take, especially when it feels more like patio weather than paper-writing weather. But indeed we are back to the grind and there are some important events to keep in mind for the upcoming few weeks.

LSA General Election: The yearly election

for most LSA executive positions is fast approaching. Some of you may want to throw your name in the hat for one of the many positions that are up for grabs. Executive as well as many committee positions will be on the ballot and the election will take place the week of March 21 -24. The positions include **LSA President, VP Services 2L and 3L, VP General, VP Social 2L and 3L, VP Academic and VP Sports** among others. Important information regarding election procedures, rules and regulations will be posted on the LSA board in addition to the Bulletin Board. It is *very* important that all potential candidates read through the candidate materials and attend *all* candidate meetings etc.



Any questions regarding the election can be directed to our very friendly, hardworking and recently engaged **VP General Kacper Jaskowiak**. (Congratulations Kacper and Jessica!) The LSA and many of the Committees are a great way to get directly involved in the school and we encourage anyone who is thinking of running in the election to do so. Even if you don't run in the election, the LSA would like to encourage all LSA members to make sure they take the time to come out and vote.

Jeopardy: March 28 – 31 will bring the return of the much anticipated Jeopardy Tournament back to the Gavel. Every day at lunch, teams of four will compete to see who in the school will reign as

kings and queens of "knowing a bunch of not so useful information." Last year there was some great competition and interestingly some serious difficulty with the Harry Potter category. Look for sign up sheets on the LSA board and be sure to sign your team up quickly! If you are afraid to dazzle us with your knowledge and instead just want to see others battle it out stop by the Gavel that week to see some great competition!

Tevie Miller Awards: The Tevie Miller Awards for teaching excellence for professors - and for the first time, sessional instructors - are currently being determined. The awards will be presented on March 22. Look for details on the bulletin board for an announcement concerning the time and place of the awards presentation.

Mustard Seed Dinner: Every year the LSA and students from the Faculty of Law take part in a very rewarding evening hosting a dinner at the Mustard Seed. Students prepare and serve the food to those in need. We encourage students to come out on March 29 in order to give back a little something to the community. Look for details on the bulletin board.

Finally, just a quick note to say thank you to all those who attended Carbolec and especially to those in the faculty that either attended Carbolec or showed support for a long tradition at the school by rescheduling classes and assignments so that people could attend. I must say that *everyone* looked fabulous and the dance floor was packed till 2:00am when we unfortunately had to shut things down. Rumour has it, however, that partying went on well into the wee hours! **Professor Stibopoulos** was the very worthy and thankful recipient of the 2005 Professor Hopp Award. Thank you again to **Gowlings** for helping to make the night extra special with more prizes than ever before! (and the LSA assures you that Mike Ervin and Dave Gedge are just a pair of lucky SOB's and the draw was *completely* random!)

Hope to see you all out for the upcoming events and elections!

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General MALFEASANCE



Matt Vernon (2L)

It's fair to say that having completed a full half of our time here, we 2Ls are finally coming into our own. That's *two* sets of real exams, *two* frenzied performances of the Law Show, and *two* more years of differential tuition than any of the 3Ls had to pay. At eighteen months "better" than snails and only six months shy of running the place, all that's left to go through are the articling interviews before there won't be anything *new* on a rapidly approaching horizon. Sadly, for those of us ready to rest on our newly grown laurels, we're talking about a relatively important and undoubtedly terrifying process; it wouldn't be unreasonable to conceive of articling as a paid and final year of school if you were scrounging for an analogy, and landing one is going to be like getting into law school all over again. It's with that in mind that General Malfeasance has, on your behalf, done a little research into what it is, *exactly*, that the firms want to see this summer:

Confidence

Realistically, everyone in the faculty here is going to have a resume loaded for bear: grade point averages recordable only in scientific notation and reference letters from various world leaders will undoubtedly be entirely commonplace. You're going to have to distinguish yourself somehow from the midst of what might very well seem an impenetrable forest of other people's qualifications. The best way to do that is to just be *confident*. You should, ideally, leave an overpowering impression of confidence behind you. Confidence should pretty much be hanging in the air when you leave, coating everything in the office as a sticky film of inexplicable bravado. Sweeping gestures, a booming voice, and the frequent employ of self aggrandizing superlatives like "unparalleled" and "Percy-esque" will serve you far better than mere accomplishments and simpering humility.

Zen and the Art of Interviewing

Remember, if you didn't do it, it wasn't *worth* doing.

Asking the right questions

Nothing is worse than being asked "do you have any questions?" when you're actually just trying to remember which firm you're at. While we could spend some time here going over a strategy or two for how *we* might deal with such an undesirable predicament, it's high time for a more selfless approach: we need to stop this beloved habit of uninspired interviewers in its tracks, for the sake of the children. I hypothesize we could deter such tactics by formulating, as a united *team* of interviewees, a series of questions distinctly unpleasant to answer and doggedly sticking to them over the next few years... which is precisely how long we'll be suffering through interviews after we ask questions like:

-If your firm were a rock garden, what *kind* of rocks would it use?

-What changes would you say your firm has experienced in the last eighty years?

-Why was it, of all the professions out there,

that your firm chose *law*?

It shouldn't be long before letting students so much as *talk* in interviews, let alone putting us in complete control of a boat we're not trained to sail, is a thing of the past.

Manners

Oftentimes, meals becoming part of the interview process creates even more challenges, despite the initially alluring prospect of free food. While the ostensible motive is to get you into a more relaxed context, the true *modus operandi* of any firm willing to pay your bill is pretty much just to watch your table manners: don't order ribs. So if you're feeling self-conscious during the dinner, that isn't surprising: it's comparable to someone commenting on how strangely you walk and then following you to HUB, and it's bound to produce more than a little clumsiness fork and knife-wise. My advice? Make sure you ask for extra bread at the start of the meal, then make dainty little sandwiches out of everything on your plate; it's pretty hard to *seriously* fumble

...Continued on page 15

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Bowman's BANTER

S P O R T S



Cam Bowman (2L)

I have a serious problem on my hands. You see, it seems that we are in a bit of a lull in the sporting world (*thanks*, Gary and Bob) and this leaves me with serious time management issues.

For instance, last year, a typical Saturday would look something like this:

Noon: wake up, and remember why I said that I would never drink again
2 o'clock: start reading contracts cases
2:15: stop reading contracts cases, have lunch
4:00: resume reading contracts cases
4:30: stop reading contracts cases, watch TV and get ready for Hockey Night in Canada

You see my problem – I now have a large unoccupied block of time which used to be filled up with the NHL (remember that?). Now, I have nothing. With this in mind, I have come up with some alternatives which can be used to help to fill the void:

So much time...

1) Movie Night in Canada

Got a hankering for an old-school Japanese horror movie? How about the latest 'blockbuster' starring Michael J. Fox? Maybe a good old Disney flick? If you answered yes to any of these questions, then I've got good news for you – you don't even have to change channels from your usual Saturday night hockey channel! That's right, the CBC has decided that if you can't catch the Flames and Oilers in action, you might as well watch Marty McFly and Doc Brown. I'm not complaining, I'm just pointing out that movies don't go together with beer quite as well as hockey does. So, despite the CBC's best efforts, Movie Night in Canada just isn't quite the same. Maybe try having Don Cherry host next time.

2) Professional Curling

This seems to be the staple for sports networks everywhere these days. Now any sport where the players used to drink alcohol out of hollowed out brooms is ok in my book, but the problem is that these guys are just too good. You see, (and if you have ever curled, you will agree with me) the best part of watching curling is waiting for your friend to have his feet fly out from under him and having his broom go flying across the rink. I've been watching some curling, and I have yet to either see anyone drink while they play, or take a fall. Once that happens, curling can totally replace hockey, but until that point, it's just not quite there.

3) Staring at a blank TV

I've tried this one too, and I can say that it is about as exciting as watching the Columbus Blue Jackets play the Florida Panthers. The problem

is that when you tell people this is what you did on Saturday night, they tend to think you might not be the most exciting person in the world. So, while I am willing to put my reputation on the line to help out the hockey starved fan, it may be a good idea for you not to go public with your plans if this is included in them.

4) Hanging around the Gavel

The best part of this one is that you can entertain yourself and impress your fellow students at the same time. If anyone happens to see you in the law school on a Saturday night, they are likely going to think that you are quite the hard worker. If you follow this plan for a couple of weeks, you will likely be awarded the gold medal based on your reputation alone. All of this with the added bonus of having hours of uninterrupted access to the pinball machines, what else could be better? Of course, now that I've written this, people may wise up to your plan and your reputation may suffer as a result. Sorry.

5) Homework

Homework? I've already put in a good 45 minutes today! I deserve a break.

So, as you can see, there are other ways to spend your time. In fact, if you periodically scream "hack the bone" every once in a while, it will even seem like hockey season is rolling along just as it should be. Now if you'll excuse me, I have a blank TV to watch. I hear it's a good episode tonight.

Interviewing...

...Continued from page 14

a sandwich. Make sure to lift your pinky in the air as you eat to demonstrate your innate sophistication and undeniable worldliness.

Accepting Offers

The traditional response is something that indicates your acceptance, such as "yes". Other replies, like "no", "whatever", or "Tuesday" aren't technically acceptances, and as such aren't really advisable. Make sure you accept *all* your offers, since you don't want any of the firms to feel left out; that would be rude.

REMINDER
Hand in your Grad
Survey in the
Comments Box in
the Law Library or
in the *Canons*
mailslot on the
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Photo by Justina Hirsman

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